

Application No. 10/709,782
Technology Center 3767
Amendment dated October 24, 2007
Reply to Office Action dated May 25, 2007

REMARKS

In the Advisory Action, the amendments proposed in Applicants' Amendment Under 37 CFR §1.116 filed August 24, 2007, were not entered, with the result that, as of the filing of the present reply, the pending claims were claims 1-12 and 39-70 as previously presented in Applicants' Amendment Under 37 CFR §1.111 filed March 24, 2007.

In the Office Action preceding the Advisory Action, the Examiner had deemed claims 8 and 46 (which depend from independent claims 1 and 39, respectively) to recite allowable subject matter, rejected claims 2, 9, 11, 40, and 57 solely under 35 USC §103 in view of commonly-assigned U.S. Patent No. 6,932,114 to Sparks, and rejected independent claims 1 and 39 and their dependent claims 3-7, 10, 12, 41-45, 47-56, and 58-70 under 35 USC §102 and/or §103. In the present reply, Applicants have amended the claims as set forth above. More particularly:

Independent claim 1 has been amended to incorporate the limitations of its dependent claim 2 (now canceled without prejudice).

Dependent claim 8 has been rewritten in independent form to include all of the limitations of its base claim 1. Because the Examiner had concluded

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that claim 8 recites allowable subject matter, claim 8 is believed to be allowable over the prior art of record.

Independent claim 39 has been amended to incorporate the limitations of its dependent claim 46 and intervening claim 45 (both now canceled without prejudice). Because the Examiner had concluded that claim 46 (which depends from claim 39 through intervening claim 45) recites allowable subject matter, independent claim 39 and its remaining dependent claims 41-44, 47-58, and 66-70 are believed to be allowable over the prior art of record.

Dependent claim 40 has been rewritten in independent form to include all of the limitations of its base claim 39.

Finally, dependent claim 65 has been canceled in view of the amendments to its parent claim 39 rendering the limitation of claim 65 redundant.

In view of the above, Applicants believe that the above amendments do not present new matter. Instead, the amendments are strictly limited to amending the independent claims to incorporate the limitations of their respective dependent claims, and rewriting dependent claims as independent claims by incorporating the limitations of their respective parent claims.

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§§102 and 103 Rejections NOT based on Sparks

As stated above, Applicants believe amended independent claims 8 and 39 are in condition for allowance, and therefore respectfully request withdrawal of the rejections of independent claims 8 and 39 and dependent claims 41-44, 47-58, and 66-70, which depend from claim 39.

§103 Rejection based on Sparks

Applicants respectfully believe amended independent claim 1, its remaining dependent claims 3-7, 9-12 and 59-64, and new independent claim 40 are also allowable in view of the following remarks.

As now amended, independent claims 1 and 40 recite limitations that were rejected solely under 35 USC §103 in view of a combination of references that included Sparks. Sparks was filed prior to, but issued and published after, the priority date of the present application, and therefore qualifies as prior art only under §102(e). §103 rejections based on a §102(e/f/g) reference with a common inventor can be overcome by a showing that the subject matter of the application and the reference were, at the time the invention was made, commonly-owned or subject to an obligation of assignment to the same entity, if the application was pending on or after

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December 10, 2004 (see MPEP 706.02(I)). In response, the undersigned hereby affirms that Applicants' invention and Sparks were, at the time the invention was made, owned by, or subject to an obligation of assignment to, Integrated Sensing Systems, Inc., as evidenced by the assignment records of the U.S. Patent and Trademark Office. 37 CFR 1.104(a)(5)(i); MPEP 706.02(I)(2)(II).

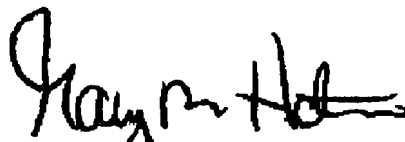
In view of the above, Applicants respectfully request withdrawal of the rejections of independent claims 1 and 40 and dependent claims 3-7, 9-12 and 59-64, which depend from claim 1.

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Closing

Should the Examiner have any questions with respect to any matter now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary M. Hartman", with a stylized flourish at the end.

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Attachments: Fee Transmittal sheet; Petition for Extension of Time